

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION**

DYLAN ADCOCK,

Plaintiff,

v.

WARD HOME SERVICES d/b/a  
ACE HANDYMAN SERVICES  
EAST METRO ATLANTA (543)  
and WILLIAM WARD,

Defendants.

Civil Action No. 3:23-cv-00089-CDL

**JURY TRIAL DEMANDED**

**SCHEDULING AND DISCOVERY ORDER**

The parties held a Rule 26(f) conference on November 1, 2023. In accordance with the Court's Rules 16 and 26 Order dated October 24, 2023, the parties to this action conferred and jointly developed this Proposed Scheduling and Discovery Order (the "Proposed Order") containing deadlines and limitations as follows:

**I. COUNSEL OF RECORD**

**Lead Counsel for Plaintiff:**

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## **II. PROCEDURAL HISTORY**

Complaint Filed: August 10, 2023

Defendants' Answer and Defenses Filed: October 20, 2023

## **III. PROPOSED DEADLINES**

### **A. Initial Disclosures:**

The parties stipulate that they will serve their Initial Disclosures on or before December 1, 2023, which is thirty (30) days after the parties' Rule 26(f) conference.

### **B. Joinder of Parties and Amendment of Pleadings:**

The parties stipulate that the deadline to join additional parties and to amend the pleadings shall be December 19, 2023, which is sixty (60) days after the filing of the last answer by a defendant. Any amendments after that date shall require leave of Court.

### **C. Completion of Discovery:**

The parties request that the Court set a date for close of discovery of April 19, 2024, which is six (6) months after the filing of the last answer by a defendant.

### **D. Dispositive Motions:**

The parties expect to file all motions except summary judgment motions and other pre-trial motions prior to the expiration of the discovery period. All motions will be filed pursuant to the Federal Rules of Civil Procedure and the local rules of the United States District Court for the Middle District of Georgia. The parties must file any motions for summary judgment by June 3, 2024, which is forty-five (45) days after the close of discovery.

#### **IV. DEPOSITIONS**

Plaintiff anticipates at this time that the following witnesses will be deposed at a date, place, and time agreed upon by the parties:

- (1) Ward Home Services d/b/a Ace Handyman Services East Metro Atlanta (543)
- (2) William Ward, c/o Defense counsel, Madison, Georgia
- (3) Brea Worth, TBD

Defendant anticipates at this time that the following witnesses will be deposed at a date, place, and time agreed upon by the parties:

- (1) Dylan Adcock, c/o Plaintiff's counsel, 140 Patrick Rd NE, Social Circle, Georgia 30025

The parties have agreed to remote depositions during the week of January 8-12, 2024, at 10:00 a.m. The parties may issue supplemental interrogatories and requests for production as well as requests for admission thereafter. The parties reserve the right to take additional depositions as determined through the course of discovery is necessary and prudent.

#### **V. EXPERT WITNESSES**

Plaintiff shall file and serve to all other parties' disclosures relating to expert witnesses on or before January 18, 2024, which is ninety (90) days after the filing of the last answer by a defendant and will make their experts available for deposition at that time. Defendants shall file and serve disclosures relating to expert witnesses as required by the Rule on or before February 17, 2024, which is one hundred and twenty (120) days after the filing of the last answer by a defendant and will make their experts available for deposition at that time. In the event that Defendants designate an expert where Plaintiff has not previously designated an expert, Plaintiff shall have an additional thirty (30) days or until March 18, 2024, to designate a rebuttal expert

witness. The deposition of any rebuttal expert shall occur on or before April 19, 2024, which is the close of discovery.

Any disclosure of an expert witness retained or specifically employed to provide expert testimony in the case or one whose duties as a party's employee regularly involve giving expert testimony must be accompanied by a written report prepared and signed by the expert in accordance with the requirements of Rule 26(a)(2)(B). Any disclosure of an expert witness who is not required to provide a written report under Rule 26(a)(2)(B) must comply with Rule 26(a)(2)(C) and disclose the identity of the witness, the subject matter on which the witness is expected to present expert testimony, and a summary of the facts and opinions to which the witness is expected to testify.

Unless otherwise ordered by the Court, any motions to exclude expert testimony pursuant to Federal Rule of Evidence 702 and/or *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), shall be filed within days 21 after the Court's ruling on the last pending motion for summary judgment or by the deadline for motions in limine as set in an order for pretrial conference, whichever is sooner. If no summary judgment is filed by the date that the dispositive motions are due, then any Daubert motions shall be filed within 21 days after the due date for filing dispositive motions. If an evidentiary hearing is necessary for the resolution of a Daubert motion, the party requesting the hearing shall file a written request for the hearing at the time of the filing of the motion or the response to the motion.

## **VI. OTHER ITEMS**

At this time, the parties anticipate the approximate cost of discovery in this matter to be \$25,000 to \$50,000, depending on the number of witnesses and depositions required.

Respectfully submitted, this 16th day of November 2023.

/s/ Grace A. Starling

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*Counsel for Defendant*

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**ORDER**

The Court, having reviewed the information contained in the Joint Proposed Scheduling and Discovery Order completed and filed jointly by the parties to this action, hereby adopts the parties' plan and makes it the order of the Court.

IT IS SO ORDERED, this 16th day of November, 2023.

S/Clay D. Land

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CLAY D. LAND  
UNITED STATES DISTRICT JUDGE